

First Unitarian Church of San José Executive Limitations Policy As of October 28, 2007

2. Executive Limitations

2.1 Treatment of Members, Friends, Visitors

2.1.1 Fire Drill

2.2 Personnel

2.2.1 Treatment of paid & volunteer staff

2.2.1.1 Hiring

2.2.2 Compensation & benefits

2.3 Finance and Assets

2.3.1 Financial planning and management

2.3.2 Financial activities and condition

2.3.2.1 Budget Variance

2.3.3 Asset protection

2.3.4 Contracts

2.3.5 Endowments & gifts

2.3.6 Applying for grants

2.3.7 Asset use (Includes our Rental Policy)

Conflicts of interest

Communication & support to board and congregation

Public Communications

2. Executive Limitations

Adopted June 4, 2012:

The Program and Operations Council (as defined in Policy 3.1) shall not cause or allow any practice, activity, decision, or organizational circumstance that is:

- in violation of our Unitarian Universalist principles,
- illegal,
- in violation of the church's Mission Statement,
- in violation of commonly accepted business and professional ethics,
- imprudent,
- or in violation of the Bylaws of the church.

Consequently, the Program and Operations Council, in performance of their duties, shall not fail to be mindful of our congregation's journey toward becoming an intentionally multigenerational, multiracial, multicultural, anti-oppressive Unitarian Universalist religious community. In case of conflict among the above limitations, the Program and Operations Council shall consult with the Board.

2.1 Treatment of Members, Friends and Visitors

Adopted September 27, 2006:

With respect to interactions with members, friends and visitors, the Executive Team shall not cause or allow conditions, procedures or decisions that are unsafe, undignified, unnecessarily intrusive, that fail to provide confidentiality, or privacy or that fail to apply standards embodied in Church's Mission and Goals and Unitarian Universalist Principles.

Accordingly, the Program and Operations Council shall not:

1. Use forms that elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting or storing member information that fail to protect against improper access to the material selected.
3. Discourage expressions of concern or observations of members.
4. Fail to insure that pastoral care responsibilities are fulfilled. (Modified November 2009)
5. Show undue bias and partiality in dealing with congregants.
6. Allow unsafe conditions.

2.1.1 FIRE SAFETY

Adopted 11/28/2001:

The Program and Operations Council shall conduct one fire drill for each fiscal year during each Sunday service and on a weekday when the TSCC after school program and church office is in use.

1. Before the fire drill an exit plan will be put together and distributed to the staff of the church and TSCC. Ushers, teachers, staff and other appropriate personnel will be trained to implement our fire exit plan.
2. Instructions on how to exit the building during a fire will be displayed in appropriate places throughout the building.
3. The ministers and worship associate conducting the Sunday services, teachers and ushers working that Sunday shall be notified prior to the fire drill. The TSCC director and FUC office administrator shall be notified prior to the weekday fire drill.
4. Instructions on how to exit the building during a fire alarm shall be given out prior to the drill.

2.2 Personnel

2.2.1 Treatment of Paid and Volunteer Staff

Adopted September 27, 2006:

With respect to treatment of staff/volunteers, the Program and Operations Council may not cause or allow conditions that are inhumane, unfair, or unprofessional.

Accordingly, they may not:

1. Discriminate (as defined by city, state and federal law) among existing or potential staff/volunteers on other than clearly job-related criteria, individual performance or individual qualifications.
2. Subject staff/volunteer to unsafe or unhealthy conditions.
3. Operate without written personnel policies, accessible to all personnel, that clarify personnel rules for paid staff, and provide for effective handling of grievances.
4. Withhold from staff a due-process grievance procedure, able to be used without bias.
5. Prevent staff from grieving to the board when: a) internal grievance procedures have been exhausted and b) the employee alleges either that (i) board policy has been violated to his/her detriment or (ii) board policy does not adequately protect his/her human rights.
6. Discourage expression of concerns or observations by staff and volunteers.

2.2.1.1 Hiring

Adopted September 27, 2006:

First Unitarian Church of San Jose will comply with the following procedures when hiring staff (excluding ordained ministers whose hiring follows specific UUA guidelines)

1. Vacant positions will be posted in appropriate communication vehicles including the church newsletter, PCD Currents, and other electronic or print media depending on position to be filled.
2. Applications will be screened for appropriate education, experience and other job qualifications. Interviews will be scheduled for those candidates who are most qualified.
3. Church members may apply for any vacant position. Their application will be considered as others in the candidate pool.
4. Interviews will be conducted by appropriate church leaders selected by the Ministers and VP for Personnel.
5. Hiring decisions will be made by Search and Selection interview group using a consensus group process.

2.2.2 Compensation and Benefits

Adopted September 27, 2006:

With respect to compensation, employment, and benefits, the Program and Operations Council shall not cause or allow jeopardy to fiscal or institutional integrity.

Accordingly, the Program and Operations Council shall not:

1. Increase compensation and benefits or allocated professional expenses established by the Board.

2. Promise or imply guaranteed employment.
3. Fail to consider the guidelines of the UUA and the prevailing wages for similar skills in the local non-profit market.
4. Cause unfunded liabilities to occur or in any way commit the church to benefits that incur unpredictable future costs.

2.3 Finance and Assets

2.3.1 Financial Management and Planning

Adopted September 27, 2006:

Financial planning for any fiscal year or the remaining part of any fiscal year shall not deviate materially from the Bylaws of the Church or the Board's Ends priorities (if such exist), or risk financial jeopardy. The Board reaffirms the Congregation's ultimate authority to approve the annual operating budget, as recommended to them by the Board, in procedures described in the Bylaws.

Accordingly,

1. To facilitate the Board's preparation of a budget for consideration by the Congregation, the Program and Operations Council may provide to the Board a budget proposal by a date no later than that specified by the Board.
2. In developing its budget proposal, the Program and Operations Council shall not plan to use funds from reserved funds in ways that are contrary to restrictions placed on these funds by the donors, the Board, or the Congregation.
3. In developing its budget proposal, the Program and Operations Council shall not plan allocation of Congregation's resources that is inconsistent with the priorities of the Congregation and the resources available to the Congregation.

2.3.2 Financial Activities and Condition

Adopted September 27, 2006:

With respect to the Congregation's actual, ongoing financial activities, the Program and Operations Council shall not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from Board priorities established in Ends policies.

Accordingly, the Program and Operations Council shall not:

1. Expend or invest any funds restricted by the donor, the Board, or the Congregation in a manner inconsistent with the restriction.
2. Expend funds inconsistently with the expenditure categories in the budget, except to the extent that variances are authorized by the Bylaws, the Congregation, or the Board.
3. Indebt the Congregation in an amount greater than can be repaid by certain, otherwise unencumbered revenues within three months.
4. Acquire, encumber or dispose of real estate.
5. Allow cash to drop below the amount needed to meet payroll and debts in a timely manner.
6. Allow the Board to be uninformed concerning actual revenues and expenditures, including appropriate comparisons and projections, at a frequency specified in the Policy on Monitoring Program and Operations Council Performance.
7. Allow members to be uninformed for more than a year of the state of their pledges, including the amount of the pledges and the current amount paid.

8. Allow pledges not paid after a year without understanding the reason for non-payment.
9. Receive, process or disburse funds under controls insufficient to meet generally accepted standards. These standards shall include, at a minimum, the following:
 - a. Requiring two signatures on all checks over \$500.
 - b. Authorizing limited access to operating and capital accounts.
 - c. Furnishing regular reports regarding the Congregation's funds (but in no event less than quarterly).
 - d. Requiring reconciliation of the operating accounts monthly.

2.3.2.1 Budget Variance

Adopted September 27, 2006:

In accordance with Section 7, Paragraph h of the Bylaws of this congregation, the actual expenditures for any one item in the budget shall not exceed the congregationally approved annual budget during any fiscal year by two percent of the entire expense budget without congregation approval. (There shall be no limitation on the amount of revisions of the budget for income items). The total amount of all such expenses in excess of the budgeted amounts shall not exceed ten percent of the total budget. A three-fourths vote of the members present at a congregational meeting shall be necessary to exceed the above amounts.

2.3.3 Asset Protection

Adopted September 27, 2006:

The Program and Operations Council shall not allow the assets of the Church – including cash, investment and endowment funds, the church building and furnishings – to be unprotected, inadequately maintained, inappropriately used, or unnecessarily risked.

Accordingly, the Program and Operations Council shall not:

1. Operate without policies/procedures regarding the use of the church building/facilities.
2. Allow inadequate insurance coverage for the church, its staff, officers, and volunteers.
3. Unnecessarily expose the Church, the Board of Directors, or staff to claims of liability or risk the nonprofit status of the Church.
4. Purchase, encumber, or dispose of titled or real property without advance authorization from the Board of Directors.
5. Subject facilities, premises and equipment to improper wear and tear, insufficient maintenance, or unsafe conditions.
6. Invest or hold operating capital in insecure instruments.
7. Make any purchase of over \$5,000.00 without making competitive comparisons.

2.3.4 Execution of Contracts

Adopted September 27, 2006:

No one other than the *Program and Operations Council and its express designees* shall execute any contract on behalf of the Church.

The Program and Operations Council and its express designees shall not enter into any contractual arrangements that fail to serve the church's Ends Policies , and avoid unacceptable Means.

The Executive Team and its express designees shall not enter into any contractual arrangements that violate the limitations on the Program and Operations Council.

The Program and Operations Council and its express designees shall not fail to seek appropriate legal advice, when necessary, to interpret and assess contractual terms.

Accordingly, for any contract of \$10,000 or more, other than regular personnel contracts, the Program and Operations Council and its express designees shall not:

- Enter into such a contract without the authorization of the Board President, who may, at his or her discretion, submit the matter to the Board of Directors.
- Terminate or breach such a contract without the approval of the Board of Directors.

2.3.5 Endowment and Gifts

Adopted by the Board on October 24, 2007:

2.3.5.1 Limitation of Gifts to the Endowment Fund

The Program and Operations Council and the Planned Giving Committee shall not accept any gift to the Endowment with restrictions that are contrary to the standards of the Church's Mission, Ends (Section 1 of Board Policy) and the UUA's principles.

2.3.5.2 Disbursements

In no case may the Planned Giving Committee spend endowment funds in violation of the Bylaws, Board policy, or the Endowment Disbursement Authorization approved by the congregation at a congregational meeting. In addition, in no case may the Planned Giving Committee spend endowment funds without consultation with appropriate committees.

Adopted by the Board on October 24, 2007, and approved by the congregation on October 28, 2007, with the mandate that the Board will bring this issue to the congregation again on or before the May 2008 budget meeting to address issues raised about the socially responsible investing policy of the UUA Endowments Management and Investment Services Program, General Investment Fund Pool:

2.3.5.3 Investment Policy

The Planned Giving Committee shall not fail to invest the Endowment Fund in the UUA Endowments Management and Investment Services Program, General Investment Fund Pool.

2.3.6 Applying for Grants

Adopted September 27, 2006:

No one other than the Program and Operations Council or their express designees shall apply for any grant on behalf of the Church from outside funding agencies. The Program and Operations Council and their express designees shall not apply for any grant that fails to serve the Ends and avoid unacceptable Means.

Accordingly, the Program and Operations Council or their express designees shall not:

1. Allow grant applications without appropriate oversight and review of program, budgetary, staff, and facility impacts of the grant application.
2. Allow grant applications without appropriate collection, review and retention of information about the grant application.

3. Allow grant activities without collection, review and retention of appropriate periodic follow-up reports.

2.3.7 Asset Use

Adopted September 27, 2006:

The Program and Operations Council shall prevent inappropriate use of the church's assets. Accordingly, the Program and Operations Council shall not:

1. Rent the church facilities without written procedures and contracts.
2. Place rental revenues or other purposes above the mission of the congregation.
3. Waive outstanding balances for rental fees without Board approval.
4. Permit smoking within the church building.
5. Permit violation of applicable laws, such as IRS regulations prohibiting use by political parties.

In addition, retain for now our current Building Rental Policy, adopted February 22, 2006:

2.3.7.1 Building Rental

Adopted September 27, 2006:

The Finance committee determines the reservation policy and procedures, including frequency of booking, how far in advance reservations may be made, days and times available, rules and amounts regarding scheduling, rates, accounting, security deposits, finance charges, credit terms, and host salaries, subject to the following limitations:

The building will be used only in ways that promote the values of the congregation as documented by our Mission Statement, or that obtain revenue from use of the building by other parties when it is not needed by the congregation or its programs. We shall not compromise our values to gain revenue, such as by allowing use of the building by people or organizations who are not congruent with our values. The building is to be used in accordance with applicable laws, such as IRS regulations prohibiting use by political parties.

Ministers may choose to perform services for members only, but must be given an option to perform all ceremonies. Any outside ministers must be approved by our ministers. Ministers are empowered to make decisions on which fee schedule to use, or when to deviate from them entirely.

Any outstanding balances for moneys owed to the church are to remain in accounts receivable until the amount is paid in full or the amount owed by a specific person or group is written off by the Board of Directors.

Smoking is not permitted anywhere in the building. Animals are not allowed in the sanctuary with the exception of service animals.

2.4 Conflicts of Interest

Adopted September 27, 2006:

The Program and Operations Council in consultation with the Board of Directors shall not fail to develop and implement a conflict of interest policy applicable to processes and actions taken on behalf of the church.

2.5 Communication and Support to the Board and the Congregation

Adopted September 27, 2006:

The Program and Operations Council shall not permit the Board to be uninformed, misinformed or unsupported in its work.

In this spirit, the Program and Operations Council shall not:

Fail to submit the monitoring data required by Board (see Board-Executive Linkage policy) in a timely, accurate and understandable fashion, directly addressing provisions of the board policies being monitored.

Fail to inform the Board in a timely manner of relevant trends, public policy initiatives, anticipated adverse media coverage, public events of the organization, material external and internal changes.

Fail to advise the Board of any changes in the conditions that would invalidate the assumptions upon which any board policy has been previously established.

Fail to advise the Board if, in the Program and Operations Council's opinion, the Board is not in compliance with its own policies on Governance Process and Board Linkage, particularly in the case of Board behavior that is detrimental to the working relationship between the Board and the Program and Operations Council

Fail to limit public statements about the official position of the congregation or Board on controversial social, political, and/or congregational issues to what the congregation or board has formally and explicitly adopted as positions of record. Nothing in this policy shall be construed to infringe upon the fundamental principle of freedom of the pulpit.

Fail to inform the Board of all significant changes in, deletions of, or additions to administrative policies and regulations.

Fail to ensure that a complete and current set of all Church policies, including all those formulated by the Board of Directors, Program and Operations Council, or Congregation, are readily accessible to all Church members at all times.

Fail to supply for the Board's consent agenda all items delegated to the Program and Operations Council yet required by law, Bylaws, or contract to be Board-approved, along with any monitoring assurance pertaining thereto.

Fail to gather as many staff and external points of view, issues, and options as needed for fully informed choices.

Fail to recommend changes in policies, the need for which become known to the Program and Operations Council

2.6 Public Communications

Adopted January 20, 2004:

All communications shall not conflict with UU principles.

Church mailing lists, email lists or contact information for individuals found in the church directory shall not be used for any purpose other than that connected with the church or TSCC (Third Street Community Center).

1. When the communication is within the church community:
 - a. Before a name is added to our church e-mail list the church must have their name and some other form of contact information concerning this person on file.
 - b. An Editor (of the church newsletter), Board Director/Officer, Minister or Office Administrator of the church must approve the church newsletter content before it is published. Special care will be taken to thoughtfully evaluate any personal information that will be included.
 - c. Messages sent out to the church e-mail list must be approved by either: a Board Director/Officer, Minister, Office Administrator or Committee Chair and will be pertinent to church business. This includes messages from groups associated with the church (Social Action committee, Caring Committee, etc.).
 - d. If there is a desire for church members to send e-mails concerning job queries, items for sale, housing needs, etc., these postings shall be grouped into one e-mail, identified as such (for example: First U. classifieds) and sent out not more than once every two weeks.
 - e. Controversial information must be discussed with a Minister of the church or the President of the Board of the church before inclusion in church publications. If such a person is not available and there is some question about whether it should be included, –“When in doubt, leave it out.”
 - f. Care shall be taken with communications within the church community that personal information is not made accessible to the larger public and that permission is given from the person(s) involved.
 - g. FUC of SJ discussion oriented e-mail groups shall have a list manager. If someone posts inappropriate e-mails, that address will be deleted from the group e-mail list by the list manager and blocked if necessary.
2. When information is addressed to the community at large:
 - a. Home phone numbers and home addresses shall not appear. The church’s phone numbers shall be used for most contact purposes.
 - b. Permission to publish contact information (names, e-mail addresses, phone numbers) must be received from those entities.
 - c. Personal information will not be given out to the public at large.
 - d. A Minister or President of the Board of the church must give her/his approval on any questionable material.
 - e. Community Bulletin Board (the board opposite the downstairs bathrooms) postings must be approved by a church or TSCC staff member and stamped as such.

The Communication Policy should be distributed to:

Ministerial Staff

Office Staff

Office Volunteers

Board Members and Officers

Newsletter editors
Program and Operations Council Members
Chairs of Committees